

## REMARKS

### STATUS OF THE CLAIMS

In the January 7, 2008 Office Action, the Examiner noted that claims 1-10 were pending in the application; rejected claims 1, 2 and 4-10; and objected to claim 3. Claims 1, 3, 6, 8 and 10 have been amended herein and claim 2 has been canceled herein. Thus, claims 1 and 3-10 remain pending for consideration which is respectfully requested. The amendments to the present claims 1, 6, 8 and 10 are supported by claim 2 as originally filed (cancelled herein), and the Specification at page 6 lines 16 to 18. No new matter has been added.

### REJECTION OF CLAIM 10 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH AS FAILING TO COMPLY WITH THE ENABLEMENT REQUIREMENT

Claim 10 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In view of the amendments to claim 10 herein, applicants submit that claim 10 even more fully complies with 35 U.S.C. § 112, first paragraph. Accordingly, applicants request the rejection be withdrawn.

### REJECTION OF CLAIMS 1, 4, 6, 8 AND 10 UNDER 35 U.S.C. § 102(b) AS BEING ANTICIPATED BY GRUNDERSON (U.S. PATENT NO. 6,073,220)

Claims 1, 4, 6, 8 and 10 were rejected under U.S.C. § 102(b) as being anticipated by Gunderson (U.S. Patent No. 6,073,220). This rejection is respectfully traversed.

Claim 1, for example, has been amended to recite "the alteration checking unit writes information in the list storing unit relating to original data that have been copied successfully as the back-up data and relating to original data that are decided to be not altered, the information indicating that authenticity of the original data is assured" (last clause).

The Examiner concedes on page 5, section 4 of the Office Action, that Grunderson fails to teach a list storing unit relating to successfully copied data and cites Fisher as teaching the feature of writing information in a list relating to original data that have been copied successfully as the back-up data and relating to original data that are decided to be not altered (*citing* column 5 lines 56-60 and column 7 lines 51-54, "where database 40 stores information related to successfully copied data").

Fisher, however, merely describes that the database includes a data file identifier, a storage volume identifier, and a storage volume offset (column 5, lines 59-63). Fisher fails to describe or contemplate storing information relating to the authenticity of the data file. Accordingly, Applicants submit that the combination of Gunderson and Fisher, taken alone or in combination, fail to describe

either explicitly or implicitly the feature of "writing information in the list storing unit relating to original data... **the information indicating that authenticity of the original data is assured**" as recited by amended claim 1. Therefore, claim 1 patentably distinguishes over the cited art for at least the above-mentioned reason.

Independent claims 6 and 8 recite "the deciding includes writing information in the list storing unit relating to original data that have been copied... the information indicating that authenticity of the original data is assured," and therefore, claims 6 and 8 patentably distinguish over the cited art.

Independent claim 10 recites "the alteration checking unit adds information to the information relating to relating to original data... the information indicating that authenticity of the original data is assured," and therefore, patentably distinguishes over the cited art.

Dependent claim 4 inherits the patentable recitations of its base claim, and therefore, patentably distinguishes over the cited art based on its dependency therefrom in addition to the additional features recited therein.

In view of the above, it is respectfully submitted that the rejection is overcome, and thus, Applicants respectfully request the rejection be withdrawn.

**REJECTION OF CLAIM 2 UNDER 35 U.S.C. § 103(a) AS BEING PATENTABLE OVER GRUNDERSON IN VIEW OF FISHER ET AL. (U.S. PATENT NO. 5,943,688).**

Claim 2 has been canceled herein, and thus, the rejection is rendered moot. Withdrawal of the rejection is respectfully requested.

**REJECTION OF CLAIMS 5, 7 and 9 UNDER 35 U.S.C. § 103(a) AS BEING PATENTABLE OVER GRUNDERSON IN VIEW OF DINKER ET AL. (U.S. PUBLICATION NO. 2004/0066741).**

Applicants submit that Dinker fails to cure the deficiencies of Grunderson described above. Accordingly, Applicants submit that claims 5, 7 and 9 patentably distinguish over the cited art for at least the reasons discussed with respect to their base claims, in addition to the additional features recited therein.

In view of the above, it is respectfully submitted that the rejection is overcome, and thus, Applicants respectfully request the rejection be withdrawn.

## ALLOWABLE SUBJECT MATTER

Claim 3 has been rewritten in independent form including all of the limitations of its base claim 1. Accordingly, it is respectfully submitted that claim 3 is in condition for allowance. Favorable consideration is respectfully requested.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 5/7/0

By:   
J. Randall Beckers  
Registration No. 30,358

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501